

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARILYN SPROULE VACA and
 RAYMOND VACA, JR.,

Plaintiffs,

v.

RIO PROPERTIES, INC.,

Defendant.

2:08-cv-00940-RLH-LRL

ORDER

Before the court is defendant's Affidavit of Fees and Costs (#228), filed pursuant to the court's March 3, 2011 Order (#225) requiring plaintiffs' counsel to pay the reasonable expenses, including attorney's fees and costs, incurred by defendant in bringing their Motion for Sanctions (#201), Reply (#207), and Status Report (#219). Plaintiffs filed an Objection to Defendant's Affidavit of Fees (#235) and defendant a Reply (#236).

In LR 54-16(b)(3), the District of Nevada has set forth the factors to consider in awarding attorney's fees. These factors are the same as those set forth by the Ninth Circuit in *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975). Both allow the court to consider, among other things, (1) the time and labor required, (2) the skill requisite to properly perform legal services, and (3) the novelty and difficulty of questions presented. Defendant requests attorney's fees in the amount of \$7,342.50, representing 10.4 hours to prepare the Motion for Sanctions (#201); 10.6 hours to prepare the Reply (#207); and 5.7 hours to prepare the Status Report (#219). Douglas J. Gardner performed all billable work on this matter at a rate of \$275/hour. Aff. (#228) at ¶4. The court finds that the hours billed were excessive. The court will allow attorney's fees in the amount of \$2,970, representing 6

1 hours spent to prepare the Motion (#201); 3.8 hours to prepare the Reply (#207); and 1 hour to prepare
2 the status report (#219).

3 Accordingly, and for good cause shown,

4 IT IS ORDERED that defendant's Motion for Sanctions (#201) is GRANTED to the extent that
5 plaintiffs' counsel, Gene G. Gulinson, shall pay to defendant the sum of \$2,970 as reasonable attorneys'
6 fees incurred by defendant in bringing their Motion for Sanctions (#201), Reply (#207), and Status
7 Report (#219).

8 DATED this 3rd day of May, 2011.

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LAWRENCE R. LEAVITT
12 UNITED STATES MAGISTRATE JUDGE
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